

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Paper 1  
Filed: July 7, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ROBERT S. SUPINSKI  
Junior Party  
(Application 10/007,812),

v.

ROBERT C. COHEN, RAFAIL ZUBOK, CHRISTOPHER G.  
SIDEBOTHAM, and DAVID KENT DEBOER  
Senior Party  
(Patent 6,146,423).

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Patent Interference No. 105,761 (JL)  
(Technology Center 3700)

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**DECLARATION – Bd.R. 203(b)<sup>1</sup>**

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1                   **Part A. Declaration of interference**

2                   An interference is declared (35 U.S.C. § 135(a)) between the above-  
3                   identified parties. Details of the application(s), patent (if any), reissue  
4                   application (if any), count(s) and claims designated as corresponding or as  
5                   not corresponding to the count(s) appear in Parts E and F of this  
6                   DECLARATION.

7                   **Part B. Judge managing the interference**

8                   Administrative Patent Judge Jameson Lee has been designated to  
9                   manage the interference. Bd. R. 104(a).

10                   **Part C. Standing order**

11                   A Trial Section STANDING ORDER [SO] (Paper 2) accompanies  
12                   this DECLARATION. The STANDING ORDER applies to this  
13                   interference.

14                   **Part D. Initial conference call**

15                   A telephone conference call to discuss the interference is set for **1:00**  
16                   p.m. on August 18, 2010 (the Board will initiate the call).

17                   No later than **four business days** prior to the conference call, each  
18                   party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R.  
19                   120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

1 A sample schedule for taking action during the motion phase appears  
2 as Form 2 in the STANDING ORDER. Counsel is encouraged to discuss the  
3 schedule prior to the conference call and to agree on dates for taking action.  
4 A typical motion period lasts approximately eight (8) months. Counsel  
5 should be prepared to justify any request for a shorter or longer period.

## **Part E. Identification and order of the parties**

## Junior Party

Named inventor: ROBERT S. SUPINSKI, Mount Morris,  
New York

Involved Application: 10/007,812 filed November 8, 2001.

## Title: Patella Replacement Apparatus

Assignee: None

## Senior Party

Named Inventors: ROBERT C. COHEN, Rockaway Township,  
New Jersey

RAFAIL ZUBOK, Midland Park, New Jersey

CHRISTOPHER G. SIDEBOOTHAM, Randolph,  
New Jersey

DAVID KENT DEBOER, Allendale, New Jersey

Involved Patent: 6,146,423 issued November 14, 2000, based on application 09/239,467 filed January 28, 1999.

## Title: Patella Replacement Apparatus

## **Part F. Count and claims of the parties**

### Count 1

## Supinski's Claim 1

or

### Cohen's Claim 2

12 The claims of the parties which correspond to Count 1 are:

13 Supinski: 1 and 3-7

14 Cohen: 1-7

## Count 2

16 Supinski's Claim 8

or

## Cohen's Claim 8

19 The claims of the parties which correspond to Count 2 are:

20 Supinski: 8-21

21 Cohen: 8-24

1 The claims of the parties are:

2 Supinski: 1, 3-21

3 Cohen: 1-24

4 The claims of the parties which correspond to Counts 1 and 2 are:

5 Supinski: 1 and 3-21

6 Cohen: 1-24

7 The claims of the parties which do not correspond to Counts 1 and 2

8 and therefore are not involved in the interference, are:

9 Supinski: None

10 Cohen: None

11 The parties are accorded the following benefit for Counts 1 and 2:

12 Supinski: None

13 Cohen: None

1                   **Part G. Heading to be used on papers**

2

3                   The following heading must be used on all papers filed in this  
4                   interference, see SO ¶ 106.1.1:

5                   UNITED STATES PATENT AND TRADEMARK OFFICE

6

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8                   BEFORE THE BOARD OF PATENT APPEALS  
9                   AND INTERFERENCES

10

11

12                   ROBERT S. SUPINSKI

13

Junior Party

14

(Application 10/007,812),

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(Technology Center 3700)

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1                   **Part H. Order form for requesting file copies**

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3                   When requesting copies of files, use of SO Form 4 will greatly

4                   expedite processing of the request. Please attach a copy of Parts E and F of  
5                   this DECLARATION with a hand-drawn circle around the patents and  
6                   applications for which a copy of a file wrapper is requested.

7

8                   /ss/ Jameson Lee  
9                   Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Revised 3 January 2006

1 cc (via overnight delivery):

2 Attorney for Supinski:

3 Lynn J. Alstadt, Esq.  
4 Buchanan Ingersoll, P.C.  
5 One Oxford Center  
6 301 Grant Street, 20<sup>th</sup> Floor  
7 Pittsburgh, PA 15219  
8 Telephone: (412) 562-1632  
9

10 Attorney for Cohen:

11  
12 Duanne Morris LLP - Princeton  
13 100 American Metro Blvd., Suite 150  
14 Hamilton, NJ 08619  
15 Telephone: (609) 631-2400